IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 2812 of 2007

Date of Decision : 23.02.2007

Ms. Ruby Saini ... Petitioner

Versus

State of Punjab and others. .. Respondents

CORAM : HON'BLE MR. JUSTICE J.S. KHEHAR,
HON'BLE MR. JUSTICE S.D. ANAND.

Present : Mr. Raman K. Sharma, Advocate,
for the petitioner.

J.S. Khehar, J. (Oral)

The petitioner's father – Inderjit Saini was a regular employee in the Directorate of Information and Public Relation, Punjab. He died in harness on 07.10.1988.

Inderjit Saini was survived by his widow and daughter. The widow according to the pleadings of this case, remarried leaving the petitioner to fend for herself. The petitioner could not gain entry into Government service, at the time of the death of her father, as she was a minor. Accordingly, the petitioner continued her academic career and qualified the Senior Secondary School Education, in March 2003, so as to claim appointment on compassionate ground. At that juncture, the petitioner had not qualified Punjabi as one of the subject. This impediment in the petitioner's way to seek government employment, in the State of Punjab, was over-come by the petitioner in March 2006. Now, that the petitioner is a major and possesses qualifications for appointment to the lowest runk in Government School, she claims appointment on compassionate ground to a

suitable class III or IV post. In this behalf, the petitioner has addressed number of communications to the respondents. In response to which, the claim of the petitioner was declined by an order dated 29.09.2006 (Annexure P-15). The claim of the petitioner was declined with the assertion, that she does not fulfill the stipulated conditions prescribed for compassionate appointment. The aforesaid order dated 29.09.2006 is subject matter of challenge at the hands of the petitioner through the instant writ petition.

Compassionate appointment according to the law laid down by the Apex Court is granted as a measure of compassion, to over-come unforeseen hardship, caused by the untimely death, of a government employee, in harness. The petitioner's father died as far as back on 07.10.1988. More than 19 years have gone by since then. The petitioner is obviously not entitled to appointment on compassionate ground, at this belated juncture, in view of the law laid down by the Apex Court in Umesh Kumar Nagpal versus State of Haryana and others, 1994(4) SCC 138. Additionally, it needs to be mentioned that the petitioner is in receipt of family pension, which according to the submissions made by the learned counsel for the petitioner, during the course of arguments, is presently quantified at Rs. 3552/-. This position stands noticed in paragraph 23 of the writ petition as well. For the reasons recorded herein above, we find no merit in this instant writ petition and the same is, accordingly, dismissed.

(J.S. Khehar)
Judge

February 23, 2007 (S.D. Anand)
vkd Judge